



Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	Special Process Server 1
Plaintiff/Petitioner: ANTIONE FRANKLIN	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TIMOTHY HARTUPEE

Alias:

1744 APPLE HILL DRIVE
ST. LOUIS, MO 63010

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

January 22, 2020

Thomas Happinger

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 1 00 0

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **ALLIED SERVICES LLC**

Alias: D/B/A REPUBLIC SERVICES

ST LOUIS COUNTY

THE CORPORATION COMPANY
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF



CITY OF ST LOUIS

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January 22, 2020

Thomas Hoepfner

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).

☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

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Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANTIONE FRANKLIN,)	
)	
Plaintiff,	)	Cause No.:
v.)	
	)	Div. No.:
ALLIED SERVICES, LLC d/b/a REPUBLIC)	
SERVICES,	)	JURY TRIAL DEMAND
(Serve:)	
The Corporation Company)	
120 South Central Avenue)	
Clayton, MO 63105))	
)	
and)	
)	
TIMOTHY HARTUPEE,)	
(Serve at:)	
1744 Apple Hill Drive)	
Arnold, MO 63010))	
)	
Defendants.)	

MEMORANDUM TO THE COURT

COMES NOW Plaintiff and requests that a summons be issued to each of the following Defendants:

ALLIED SERVICES, LLC d/b/a REPUBLIC SERVICES – to be served by the St. Louis County Sheriff

**SERVE: The Corporation Company
 120 South Central Avenue
 Clayton, MO 63105**

TIMOTHY HARTUPEE – to be served by the Jefferson County Sheriff

**SERVE: 1744 Apple Hill Drive
 Arnold, MO 63010**

WHEREFORE, Plaintiff prays that this Court issue a summons to the each of the above named Defendants, and further requests that said summons for each Defendant be returned to Plaintiff's counsel to be forwarded to their respective Sheriff's office.

Meyerkord & Meyerkord, LLC

/s/ Brian D. Kurth

Brian D. Kurth #59651

1717 Park Avenue

St. Louis, MO 63104

(314) 300-3000

(314) 222-0525 Fax

bdk@meyerkordlaw.com

Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANTIONE FRANKLIN,)	
)	
Plaintiff,	)	Cause No.:
v.)	
	)	Div. No.:
ALLIED SERVICES, LLC d/b/a REPUBLIC)	
SERVICES,	)	JURY TRIAL DEMAND
(Serve:)	
The Corporation Company)	
120 South Central Avenue)	
Clayton, MO 63105))	
)	
and)	
)	
TIMOTHY HARTUPEE,)	
(Serve at:)	
1744 Apple Hill Drive)	
Arnold, MO 63010))	
)	
Defendants.)	

PETITION

COMES NOW plaintiff Antione Franklin, by and through his attorneys, and for his cause of action against defendants Allied Services, LLC d/b/a Republic Services and Timothy Hartupee, states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff Antione Franklin is a resident and citizen of the State of Missouri.
2. That Defendant Allied Services, LLC ("Allied") is and was at all times relevant hereto a Delaware corporation that is registered and in good standing with the State of Missouri at the time of the incident that is the subject of this suit.
3. That at all times relevant hereto Defendant Allied is and was doing business as

Republic Services for the purposes of trash collection in Missouri.

4. That Defendant Timothy Hartupree (“Hartupree”) is and was at all times relevant hereto a resident and citizen of the State of Missouri.

5. That Defendant Hartupree at all times relevant hereto acted as the agent, servant and employee of defendant Allied and acted within the course and scope of his employment with Allied.

6. That Defendant Allied at all times relevant hereto acted by and through its agents, servants and employees, including defendant Hartupree, who was acting within the course and scope of his employment

7. That jurisdiction is proper in the State of Missouri because this action arises out of a tort committed in Missouri.

8. That venue is proper in the Circuit Court of the City of St. Louis, Missouri pursuant to section 508.010 of the Revised Statutes of Missouri (2005).

9. That on April 11, 2018, plaintiff Antione Franklin was operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri.

10. That on April 11, 2018, plaintiff Antione Franklin while operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri, made a right hand turn into a Conoco gas station located at 4355 South Broadway, City of St. Louis, Missouri.

11. That on April 11, 2018, defendant Hartupree, while in the course and scope of his employment with defendant Allied, was operating a trash truck owned by defendant Allied with permission of defendant Allied on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

12. That on April 11, 2018 defendant Hartupree operated the trash truck and caused it

to back into and collide with Plaintiff's vehicle on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

COUNT I – Negligence – All Defendants

13. That Plaintiff Antione Franklin incorporates by reference the allegations of paragraphs 1 through 12 as though fully set forth herein.

14. That the aforesaid collision was directly and proximately caused by the negligence and carelessness of Defendants in the operation, maintenance, and control of the trash truck in the following respects, to-wit:

- (a) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, did immediately prior to and at the time of said occurrence, drive and operate the trash truck at a rate of speed that was high, excessive, and dangerous under the circumstances and conditions then and there existing.
- (b) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, failed and omitted to keep and maintain a constant, careful, and vigilant watch and lookout so as to see and discover the presence and movement of other vehicles at and near the aforesaid location.
- (c) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, failed and omitted to stop the trash truck, slacken the speed thereof, change the course thereof, swerve the same aside, or sound a warning of his approach and movement, when, in the exercise of the

highest degree of care, he could and should have done so and thus and thereby have avoided the aforesaid occurrence.

- (d) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, did at the time and place aforesaid negligently and carelessly cause and permit the trash truck to strike and collide with the vehicle operated by plaintiff Antione Franklin.

15. That Defendant Allied is vicariously liable for the negligence of defendant Hartupree, referenced in the above paragraphs, in that defendant Allied was acting by and through defendant Timothy Hartupree as its agent, servant or employee at the time that defendant Hartupree engaged in these negligent acts.

16. That as a direct and proximate result of Defendants' aforesaid negligence, Plaintiff was caused to suffer injuries to his neck, back, left arm and left shoulder. Plaintiff suffered, and will ever suffer in the future, severe pain and mental anguish as a result thereof; and the use, movement, and function of the aforesaid injured parts have been severely and permanently impaired and diminished.

17. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to undergo certain reasonable and necessary medical and hospital care and treatment, for which he has been caused to incur or become indebted for an amount as yet to be determined but in excess of \$127,000.00, and he will be caused to undergo further such care and treatment in the future and to incur or become indebted for further such large sums therefor.

18. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to lose wages in an amount in excess of \$11,000.

WHEREFORE, Plaintiff prays for judgment against Defendants in such sum as is fair and reasonable but in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with his costs herein expended.

MEYERKORD & MEYERKORD

By: /s/ Brian D. Kurth
Brian D. Kurth, #59651
Attorneys for Plaintiff
1717 Park Avenue
St. Louis, Missouri 63104
(314) 436-9958
(314) 571-7138 (Facsimile)

BDK/s



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Retired
SIB 2/21

Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	Special Process Server 1
Plaintiff/Petitioner: ANTIONE FRANKLIN	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: ALLIED SERVICES LLC

Alias: D/B/A REPUBLIC SERVICES

ST LOUIS COUNTY

THE CORPORATION COMPANY
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105
COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

January 22, 2020

Date

Clerk

Further Information:

Sheriff's or Server's Return

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:
LCW - B. LOVE (name) **INTAKE SPECIALIST** (title).

☐ other: _____

Served at **THE CORPORATION CO.**

in **St. Louis County** (County/City of St. Louis), MO, on **FEB 03 2020** (date) at **9 AM** (time).

Nathan Gentry
 Printed Name of Sheriff or Server

[Signature]
 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date):

(Seal)

My commission expires: _____ Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

JAN 24 2020

RECEIVED

20-SMCC-902

1/30/20

Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: BRIAN KURTH, Attorney for Plaintiff
SERVICE EMAIL: bdk@meyerkordlaw.com

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANTIONE FRANKLIN,)	
)	
Plaintiff,	)	Cause No.: 2022-CC00135
v.)	
	)	Div. No.: 1
ALLIED SERVICES, LLC d/b/a REPUBLIC)	
SERVICES,)	
)	
and)	
)	
TIMOTHY HARTUPEE,)	
(Serve at:)	
1744 Apple Hill Drive)	
Arnold, MO 63010))	
)	
Defendants.)	

NOTICE TO TAKE DEPOSITION FOR DISCOVERY PURPOSES

DATE & HOUR: Tuesday, March 17, 2020 at 9:00 a.m.

PLACE DEPOSITION TO BE TAKEN: Meyerkord, Meyerkord & Kurth, LLC
1717 Park Avenue
St. Louis, MO 63104

WITNESS TO BE DEPOSED: Masood Kureshi
4355 S. Broadway
St. Louis, MO 63111

COURT REPORTER: Alaris Litigation

PLEASE TAKE NOTICE that, pursuant to Rule 57.03(b)(4), the undersigned will take the deposition of Masood Kureshi, before a notary public, certified videographer and/or other person authorized to take oaths. Such person or persons shall possess the capacity to testify about the below enumerated paragraphs and produce all documents identified below:

1. Any and all surveillance footage from 4355 S. Broadway, St. Louis, MO 63111 taken on April 11, 2018 between the hours of 0600 and 0615.

You can comply with this request by producing the requested surveillance footage.

Meyerkord & Meyerkord, LLC

/s/ Brian D. Kurth

Brian D. Kurth #59651

1717 Park Avenue

St. Louis, Mo 63104

(314) 300-3000

(314) 222-0525 Fax

bdk@meyerkordlaw.com

STATE OF MISSOURI)
CITY OF ST LOUIS) SS

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL COURT
(ST. LOUIS CITY)

SUBPOENA
(Order to Appear and/or Produce Document)

Antione Franklin

Plaintiff/Petitioner

314) 300-0000 Brian D. Kurth
Attorney for Plaintiff/Petitioner

Cause No. 2022-CC00135

vs.

Division No. 1

Allied Serviced, LLC d/b/a Republic Services, et al
Defendant/Respondent

()
Attorney for Defendant/Respondent

THE STATE OF MISSOURI, TO Masood Kureshi

GREETING:

YOU ARE HEREBY COMMANDED. That setting aside all manner of excuse and delay, you be and appear at

Meyerkord, Meyerkord & Kurth, 1717 Park Avenue, St. Louis, MO 63104

in the City of St. Louis, on the 17th day of March, 2020 at 9 o'clock A.M.,
and thereafter from time to time until the case can be disposed of or you are finally discharged.

☐ To testify on behalf of _____
☒ To produce the following: Any and all surveillance footage from 4355 S. Broadway, St. Louis, MO 63111
taken on April 11, 2018 between the hours of 0600 and 0615.



Thomas L. Kloeppinger
CIRCUIT CLERK



Thomas Kloeppinger

The attorney or party requesting attendance of witness is :

Plaintiff

☐ The date and hour that your testimony shall be required cannot be stated with certainty. Therefore, you are directed to telephone _____ at _____, between the hours of 9:00 AM and 5:00 PM on _____, at which time you will be further instructed concerning your appearance. Such instruction may require that you appear on a subsequent date, without further personal service.

FORM 21 (12/99ML)

OFFICER'S RETURN

Served a copy hereof, in the City of St. Louis, Missouri, on the _____ day of _____, _____
(by reading same) (by delivering a true copy) to the within names witness.

To summoning the witness \$ _____

To the return of the non est on this subpoena \$ _____

To _____ miles traveled serving this subpoena \$ _____

TOTAL FEES \$ _____

Sheriff of the City of St. Louis

By _____
Deputy

INSTRUCTIONS TO APPLY FOR WITNESS FEE

After the witness has testified of has been dismissed, the witness shall take this copy to the Office of the Circuit Clerk, or to the appropriate Division Clerk, for entry on the books as provided by law. Otherwise, witness fees cannot be taxed.

WITNESS CLAIM

I hereby certify that I am entitled to _____ days and _____ miles for service as a witness under a subpoena.

Witness signature

Subscribed and sworn before me and entered this _____ day of _____, _____

Thomas L. Kloeppinger
Circuit Clerk

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Antione Franklin

Plaintiff/Petitioner

2/24/20

Date

vs.

2022-CC00135

Case number

Allied Services, LLC d/b/a Republic Services, et al

Defendant/Respondent

1

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of
 Scott Biondo (Scott Biondo Consulting) 404 Jungermann, St. Peters, MO 63376 314-956-1160

Name of Process Server Address Telephone

Name of Process Server Address Telephone

Name of Process Server Address Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

Timothy Hartupee

Name

1744 Apple Hill Drive

Address

Arnold, MO 63010

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Brian D. Kurth

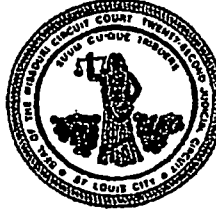
Attorney/Plaintiff/Petitioner
 59651

Bar No.
 1717 Park Avenue, St. Louis, MO 63141

Address
 314-300-3000

Phone No.

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Antione Franklin

Plaintiff/Petitioner

2/24/20

Date

vs.

2022-CC00135

Case number

Allied Services, LLC d/b/a Republic Services, et al

Defendant/Respondent

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Division

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Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of
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404 Jungermann, St. Peters, MO 63376 314-956-1160

Name of Process Server

Address

Telephone

DAVID CONDER

11

11

Name of Process Server

Address

Telephone

Name of Process Server

Address

Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

Timothy Hartup

Name

1744 Apple Hill Drive

Address

Arnold, MO 63010

City/State/Zip

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

Brian D. Kurth

Attorney/Plaintiff/Petitioner
 59651Bar No.
 1717 Park Avenue, St. Louis, MO 63141Address
 314-300-3000

Phone No.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	RECEIVED Special Process Server Special Process Server 2 Special Process Server 2 (Date File Stamp)
Plaintiff/Petitioner: ANTIONE FRANKLIN	Plaintiffs/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: TIMOTHY HARTUPEE

Alias:

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ST LOUIS, MO 63010

COURT SEAL OF



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☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).

Other: NON EST refused to answer door, multiple attempts, has camera at homeServed at N/A (address)
in Jefferson (County/City of St. Louis), MO, on 2/12/20 (date) at 1:20 (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ 20

Sheriff's Deputy Salary _____

Supplemental Surcharge \$ 10.00Mileage \$ 22 (_____ miles @ \$ _____ per mile)Total \$ 52

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	Special Process Server 1
Plaintiff/Petitioner: ANTIONE FRANKLIN	Plaintiffs/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

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The State of Missouri to: **TIMOTHY HARTUPEE**

Alias:

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ST LOUIS, MO 63010

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- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name)
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

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FILED
22ND JUDICIAL CIRCUIT
CITY OF ST. LOUIS
2020 FEB 24 AM 6:59

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANTIONE FRANKLIN,)	
)	
Plaintiff,	)	Cause No.:
v.)	
	)	Div. No.:
ALLIED SERVICES, LLC d/b/a REPUBLIC SERVICES,	)	JURY TRIAL DEMAND
(Serve:)	
The Corporation Company)	
120 South Central Avenue)	
Clayton, MO 63105))	
)	
and)	
)	
TIMOTHY HARTUPEE,)	
(Serve at:)	
1744 Apple Hill Drive)	
Arnold, MO 63010))	
)	
Defendants.)	

PETITION

FILED
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
2020 FEB 24 AM 6:59

COMES NOW plaintiff Antione Franklin, by and through his attorneys, and for his cause of action against defendants Allied Services, LLC d/b/a Republic Services and Timothy Hartupree, states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff Antione Franklin is a resident and citizen of the State of Missouri.
2. That Defendant Allied Services, LLC ("Allied") is and was at all times relevant hereto a Delaware corporation that is registered and in good standing with the State of Missouri at the time of the incident that is the subject of this suit.
3. That at all times relevant hereto Defendant Allied is and was doing business as

Republic Services for the purposes of trash collection in Missouri.

4. That Defendant Timothy Hartupree (“Hartupree”) is and was at all times relevant hereto a resident and citizen of the State of Missouri.

5. That Defendant Hartupree at all times relevant hereto acted as the agent, servant and employee of defendant Allied and acted within the course and scope of his employment with Allied.

6. That Defendant Allied at all times relevant hereto acted by and through its agents, servants and employees, including defendant Hartupree, who was acting within the course and scope of his employment

7. That jurisdiction is proper in the State of Missouri because this action arises out of a tort committed in Missouri.

8. That venue is proper in the Circuit Court of the City of St. Louis, Missouri pursuant to section 508.010 of the Revised Statutes of Missouri (2005).

9. That on April 11, 2018, plaintiff Antione Franklin was operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri.

10. That on April 11, 2018, plaintiff Antione Franklin while operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri, made a right hand turn into a Conoco gas station located at 4355 South Broadway, City of St. Louis, Missouri.

11. That on April 11, 2018, defendant Hartupree, while in the course and scope of his employment with defendant Allied, was operating a trash truck owned by defendant Allied with permission of defendant Allied on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

12. That on April 11, 2018 defendant Hartupree operated the trash truck and caused it

to back into and collide with Plaintiff's vehicle on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

COUNT I – Negligence – All Defendants

13. That Plaintiff Antione Franklin incorporates by reference the allegations of paragraphs 1 through 12 as though fully set forth herein.

14. That the aforesaid collision was directly and proximately caused by the negligence and carelessness of Defendants in the operation, maintenance, and control of the trash truck in the following respects, to-wit:

- (a) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, did immediately prior to and at the time of said occurrence, drive and operate the trash truck at a rate of speed that was high, excessive, and dangerous under the circumstances and conditions then and there existing.
- (b) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, failed and omitted to keep and maintain a constant, careful, and vigilant watch and lookout so as to see and discover the presence and movement of other vehicles at and near the aforesaid location.
- (c) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, failed and omitted to stop the trash truck, slacken the speed thereof, change the course thereof, swerve the same aside, or sound a warning of his approach and movement, when, in the exercise of the

highest degree of care, he could and should have done so and thus and thereby have avoided the aforesaid occurrence.

- (d) Defendant Hartupree, acting as the agent, servant, and employee of defendant Allied, did at the time and place aforesaid negligently and carelessly cause and permit the trash truck to strike and collide with the vehicle operated by plaintiff Antione Franklin.

15. That Defendant Allied is vicariously liable for the negligence of defendant Hartupree, referenced in the above paragraphs, in that defendant Allied was acting by and through defendant Timothy Hartupree as its agent, servant or employee at the time that defendant Hartupree engaged in these negligent acts.

16. That as a direct and proximate result of Defendants' aforesaid negligence, Plaintiff was caused to suffer injuries to his neck, back, left arm and left shoulder. Plaintiff suffered, and will ever suffer in the future, severe pain and mental anguish as a result thereof; and the use, movement, and function of the aforesaid injured parts have been severely and permanently impaired and diminished.

17. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to undergo certain reasonable and necessary medical and hospital care and treatment, for which he has been caused to incur or become indebted for an amount as yet to be determined but in excess of \$127,000.00, and he will be caused to undergo further such care and treatment in the future and to incur or become indebted for further such large sums therefor.

18. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to lose wages in an amount in excess of \$11,000.

WHEREFORE, Plaintiff prays for judgment against Defendants in such sum as is fair and reasonable but in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with his costs herein expended.

MEYERKORD & MEYERKORD

By: /s/ Brian D. Kurth
Brian D. Kurth, #59651
Attorneys for Plaintiff
1717 Park Avenue
St. Louis, Missouri 63104
(314) 436-9958
(314) 571-7138 (Facsimile)

BDK/s

**SPECIAL PROCESS SERVER****IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI**

Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	Special Process Server 1 D CONDER
Plaintiff/Petitioner: ANTIONE FRANKLIN	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2
	vs.	Special Process Server 3
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

Alias Summons in Civil Case**The State of Missouri to: TIMOTHY HARTUPEE****Alias:**1744 APPLE HILL DRIVE
ARNOLD, MO 63010

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

March 2, 2020

Date

Clerk

Further Information:

Sheriff's or Server's Return**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.